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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/038,973	12/31/2001	James J. Hlaban	17,693	9556
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23556 7590 04/24/2003

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EXAMINER

ANDERSON, CATHARINE L

ART UNIT

PAPER NUMBER

3761

DATE MAILED: 04/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/038,973

Applicant(s)

HLABAN ET AL.

Examiner

C. Lynne Anderson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5, 9-14, 18-23, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Osborn, III et al. (6,254,584).

With respect to claim 1, Osborn discloses an absorbent article 20, as shown in figure 4, configured for disposition within the vestibule of a female wearer, comprising an absorbent 22. The absorbent 22 comprises an upper surface 124 having a placement enhancement means 127.

With respect to claim 2, the placement enhancement means 127 is a slit, as shown in figure 4.

With respect to claim 3, the slit is a single continuous slit, as shown in figure 4.

With respect to claim 4, the slit extends 100%, or at least 80%, of the length of the absorbent 22, and through at least 50% of the thickness of the absorbent 22, as shown in figure 4.

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With respect to claim 5, the slit extends at least 80% of the width of the absorbent 22, and at least 50% of the thickness of the absorbent 22, as shown in figure 4.

With respect to claim 9, the absorbent 22 comprises superabsorbent polymer, as disclosed in column 6, line 17.

With respect to claim 10, Osborn discloses an absorbent article 20, as shown in figure 4, configured for disposition within the vestibule of a female wearer, comprising an absorbent 22. The absorbent 22 comprises an upper surface 124 having a deformation means 127.

With respect to claim 11, the deformation means 127 is a slit, as shown in figure 4.

With respect to claim 12, the slit is a single continuous slit, as shown in figure 4.

With respect to claim 13, the slit extends 100%, or at least 80%, of the length of the absorbent 22, and through at least 50% of the thickness of the absorbent 22, as shown in figure 4.

With respect to claim 14, the slit extends at least 80% of the width of the absorbent 22, and at least 50% of the thickness of the absorbent 22, as shown in figure 4.

With respect to claim 18, the absorbent 22 comprises superabsorbent polymer, as disclosed in column 6, line 17.

With respect to claim 19, Osborn discloses an absorbent article 20, as shown in figure 4, configured for disposition within the vestibule of a female wearer, comprising

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an absorbent 22. The absorbent 22 comprises an upper surface 124 having a fluid intake enhancement means 127.

With respect to claim 20, the fluid intake enhancement means 127 is a slit, as shown in figure 4.

With respect to claim 21, the slit is a single continuous slit, as shown in figure 4.

With respect to claim 22, the slit extends 100%, or at least 80%, of the length of the absorbent 22, and through at least 50% of the thickness of the absorbent 22, as shown in figure 4.

With respect to claim 23, the slit extends at least 80% of the width of the absorbent 22, and at least 50% of the thickness of the absorbent 22, as shown in figure 4.

With respect to claim 27, the absorbent 22 comprises superabsorbent polymer, as disclosed in column 6, line 17.

Claims 1-2, 6-11, 15-20, and 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Sartorio et al. (6,319,238).

With respect to claim 1, Sartorio discloses an absorbent article 10, as shown in figure 1, configured for disposition within the vestibule of a female wearer, comprising an absorbent 30. The absorbent 30 comprises an upper surface 22 having at least one placement enhancement means 40, as shown in figure 2.

With respect to claim 2, the placement enhancement means 40 is a slit, as shown in figure 2.

With respect to claim 6, the slit 40 is a series of slits, as shown in figure 2.

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With respect to claim 7, the slits 40 extend 100%, or at least 80% of the length of the absorbent 30, as shown in figure 1, and through at least 50% of the thickness of the absorbent 30, as shown in figure 2.

With respect to claim 8, the slits 40 extend at least 80% of the width of the absorbent 30 and at least 50% of the thickness of the absorbent 30, as shown in figure 2.

With respect to claim 9, the absorbent 30 comprises a superabsorbent polymer, as disclosed in column 6, lines 33-36.

With respect to claim 10, Sartorio discloses an absorbent article 10, as shown in figure 1, configured for disposition within the vestibule of a female wearer, comprising an absorbent 30. The absorbent 30 comprises an upper surface 22 having at least one deformation means 40, as shown in figure 2.

With respect to claim 11, the deformation means 40 is a slit, as shown in figure 2.

With respect to claim 15, the slit 40 is a series of slits, as shown in figure 2.

With respect to claim 16, the slits 40 extend 100%, or at least 80% of the length of the absorbent 30, as shown in figure 1, and through at least 50% of the thickness of the absorbent 30, as shown in figure 2.

With respect to claim 17, the slits 40 extend at least 80% of the width of the absorbent 30 and at least 50% of the thickness of the absorbent 30, as shown in figure 2.

With respect to claim 18, the absorbent 30 comprises a superabsorbent polymer, as disclosed in column 6, lines 33-36.

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With respect to claim 19, Sartorio discloses an absorbent article 10, as shown in figure 1, configured for disposition within the vestibule of a female wearer, comprising an absorbent 30. The absorbent 30 comprises an upper surface 22 having at least one fluid intake enhancement means 40, as shown in figure 2.

With respect to claim 20, the fluid intake enhancement means 40 is a slit, as shown in figure 2.

With respect to claim 24, the slit 40 is a series of slits, as shown in figure 2.

With respect to claim 25, the slits 40 extend 100%, or at least 80% of the length of the absorbent 30, as shown in figure 1, and through at least 50% of the thickness of the absorbent 30, as shown in figure 2.

With respect to claim 26, the slits 40 extend at least 80% of the width of the absorbent 30 and at least 50% of the thickness of the absorbent 30, as shown in figure 2.

With respect to claim 27, the absorbent 30 comprises a superabsorbent polymer, as disclosed in column 6, lines 33-36.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Lynne Anderson whose telephone number is (703) 306-5716. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (703) 308-1957. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 306-4520 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

*UA*

cla

April 21, 2003



WEILUN LO  
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